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23 YAHOO!, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

18 MODAVOX, INC., a Delaware corporation,

19 Plaintiff,

20

21 YAHOO! INC., a Delaware
Corporation,

Defendant.

CASE NO. C-09-5386-EDL
(Hon. Charles R. Breyer)

**STIPULATION PERMITTING
PLAINTIFF TO FILE SECOND
AMENDED COMPLAINT AND TAKING
DEFENDANT'S RENEWED MOTION
FOR A MORE DEFINITE STATEMENT
UNDER RULE 12(e) OFF CALENDAR**

Filed: November 16, 2009
Trial: No date set

1 WHEREAS, Defendant Yahoo! Inc. ("Yahoo!") filed its Renewed Motion for A More
2 Definite Statement under Rule 12(e) on February 26, 2010 ("Motion"), setting a hearing
3 on said Motion for April 9, 2010, which said hearing has since been continued to April
4 16, 2010; and

5 WHEREAS, counsel for Plaintiff Modavox, Inc. ("Modavox") and Yahoo! have met and
6 conferred and the parties desire to preserve the resources of the Court and the parties;
7 and

8 WHEREAS, Modavox desires to file a Second Amended Complaint in response to
9 Yahoo!'s Motion, rather than filing an opposition thereto, and Yahoo! desires that
10 Modavox file such Second Amended Complaint, rather than an opposition; and

11 WHEREAS, counsel for Modavox and Yahoo! have met and conferred regarding
12 Modavox's proposed Second Amended Complaint and agree that Yahoo!'s Motion may
13 be taken off calendar.

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16 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and
17 between the undersigned, that:

18 1. Modavox will file and serve its Second Amended Complaint on or before
19 March 26, 2010, and Yahoo! consents to the filing and service thereof.
20 2. The hearing on Yahoo!'s Motion, currently set for April 16, 2010 at 10:00 a.m.,
21 shall be taken off calendar.

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Dated: March 24, 2010

MORRISON & FOERSTER LLP

By: /s/ Richard S.J. Hung
Richard S.J. Hung

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Attorneys for Defendant
YAHOO!, INC.

Dated: March 24, 2010

SHAUB & WILLIAMS LLP

By: /s/ Stephen David Morgan
Stephen David Morgan

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Attorneys for Plaintiff
MODAVOX, INC.

ATTESTATION OF E-FILED SIGNATURE

I, Stephen D. Morgan, am the ECF User whose ID and password are being used to file this STIPULATION AND PROPOSED ORDER. In compliance with General Order 45, X.B., I hereby attest that each signatory to this document has concurred to its filing.

Dated: March 24, 2010

By: /s/ Stephen D. Morgan

Signed: March 29, 2010

